

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

GREGORY T. HOWARD.,

Plaintiff,

v.

**Case No. 2:08-cv-313
JUDGE GREGORY L. FROST
Magistrate Judge Norah McCann King**

**UNITED STATES DISTRICT COURT
OF OHIO, EASTERN DIVISION,**

Defendant.

ORDER

This matter comes on for consideration of Plaintiff's Motion for Summary Judgment on the Issue of Federal Question Jurisdiction (Doc. # 34). This case was dismissed for lack of subject matter jurisdiction. Consequently, the Court **STRIKES** Plaintiff's Motion for Summary Judgment.

This matter is also before the Court on Plaintiff's Motion for Reconsideration of Order Written by this Court on June 27, 2008 (Doc. # 33), which struck Plaintiff's Motion for Default Judgment and notice of Plaintiff's "statement of damages." Although the Federal Rules of Civil Procedure do not explicitly address motions for reconsideration, the authority for a district court to hear such motions is found in both the common law and in Rule 54(b) of the Federal Rules of Civil Procedure. *Rodriguez v. Tenn. Laborers Health & Welfare Fund*, 89 Fed. Appx. 949, 959 (6th Cir. 2004). A district court's authority to reconsider its previous orders has been recognized to afford such relief as justice requires. *Id.* Traditionally, courts will find justification for reconsidering interlocutory orders when there is (1) an intervening change of controlling law; (2) new evidence available; or, (3) a need to correct a clear error or prevent

manifest injustice. *Id.* (citing *Reich v. Hall Holding Co.*, 990 F. Supp. 955, 965 (N.D. Ohio 1998)).

Here, Plaintiff sets forth no adequate reason for this Court to reconsider its June 27, 2008 Order. Accordingly, the Court **DENIES** Plaintiff's Motion for Reconsideration of Order Written by this Court on June 27, 2008.

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE